

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

D'VOREAUX CANN,

Plaintiff,

v.

NORDSTROM INC et al.,

Defendants.

CASE NO. 2:23-cv-00997-JHC

ORDER

Before the Court is Plaintiff's motion requesting service. Dkt. # 6. The motion is noted for July 21, 2023, but no defendants have appeared in the matter thus far, and there is no reason for the Court to wait further to rule on the matter. The Court has considered the motion, the balance of the case file, and the applicable law. For the below reasons, the Court GRANTS the motion.

Plaintiff is proceeding pro se and *in forma pauperis* (IFP). See Dkt. ## 4, 5. When an IFP plaintiff so requests, "the officers of the court shall issue and serve all process." 28 U.S.C. § 1915(d). Federal Rule of Civil Procedure 4(c)(3) further provides, "[a]t the plaintiff's request the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to

1 proceed [IFP].” Fed. R. Civ. P. 4(c)(3). *See Boudette v. Barnette*, 923 F.2d 754, 757 (9th Cir.
2 1991) (“[A]n IFP plaintiff must request service of the summons and complaint by court officers
3 before the officers will be responsible for effecting such service.”).

4 The requirements are met for service by United States marshal. The Court hereby
5 ORDERS as follows:

6 1. Service by Clerk

7 The Clerk is directed to send Defendants by first-class mail: a copy of Plaintiff’s
8 complaint (Dkt. # 5) and of this Order, two copies of the notice of lawsuit and request for waiver
9 of service of summons, and a waiver of service of summons.

10 2. Response Required

11 Defendants shall have **thirty (30) days** within which to return the enclosed waiver of
12 service of summons. A defendant who timely returns the signed waiver shall have **sixty (60)**
13 **days** after the date designated on the notice of lawsuit to file and serve and answer to the
14 complaint or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure.

15 A defendant who fails to timely return the signed waiver will be served with a summons
16 and complaint by United States marshal and may be required to pay the full costs of such service,
17 under Rule 4(d)(2) of the Federal Rules of Civil Procedure.

18 3. Filing and Service by Parties, Generally

19 All attorneys admitted to practice before this Court are required to file documents
20 electronically via the Court’s CM/ECF system. Counsel are directed to the Court’s website,
21 www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF.
22 All non-attorneys, such as pro se parties, may continue to file a paper original with the Clerk.
23 Any document filed with the Court must be accompanied by proof that it has been served upon
24 all parties that have entered a notice of appearance in the matter.

1 4. Motions, Generally

2 Any request for court action shall be set forth in a motion, properly filed and served.
3 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
4 part of the motion itself and not in a separate document. The motion shall include in its caption
5 (immediately below the title of the motion) a designation of the date the motion is to be noted for
6 consideration upon the Court's motion calendar.

7 Stipulated and agreed motions, motions to file over-length motions or briefs, motions for
8 reconsideration, joint submissions under the procedure established in LCR 37(a)(2), motions for
9 default, requests for the clerk to enter default judgment, and motions for the court to enter default
10 judgment where the opposing party has not appeared shall be noted for consideration on the day
11 they are filed. *See* LCR 7(d)(1). All other non-dispositive motions shall be noted for
12 consideration no earlier than the third Friday following filing and service of the motion. *See*
13 LCR 7(d)(3). All dispositive motions shall be noted for consideration no earlier than the fourth
14 Friday following filing and service of the motion. *Id.*

15 For electronic filers, all briefs and affidavits in opposition to either a dispositive or non-
16 dispositive motion shall be filed and served not later than 11:59 p.m. on the Monday
17 immediately preceding the date designated for consideration of the motion. If a party (i.e., a pro
18 se litigant) files a paper original, that opposition must be received in the Clerk's office by 4:30
19 p.m. on the Monday preceding the date of consideration.

20 The party making the motion may file and serve, not later than 11:59 p.m. (if filing
21 electronically) or 4:30 p.m. (if filing a paper original with the Clerk's office) on the date
22 designated for consideration of the motion, a reply to the opposing party's briefs and affidavits.

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1 Dated this 18th day of July, 2023.

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4 John H. Chun
5 United States District Judge
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